

Building Blocks for Effective Housing Elements

Housing Programs: Adequate Sites

Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Section 65583(c)(1))

- (A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.*
- (B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low-income households.*

I. REQUIRED COMPONENTS OF PROGRAM ACTIONS

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific timeframe for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Sample Program Format

Description of Specific Actions Steps, Jurisdiction's Specific Role in Implementation and Demonstration of Commitment to Implement

Timeframe:

Responsible Agency:

Objectives (quantified, where possible):

Funding Sources (where appropriate):

II. PROGRAM REQUIREMENTS

General

The sites inventory should demonstrate adequate site capacity to accommodate the regional housing need for all income groups. Where the analysis of a local government's sites inventory does not demonstrate the supply of suitable, available and appropriately zoned sites are sufficient to accommodate the regional housing need by income level, the element must include a program to identify sites that can be developed within the planning period. In addition, sites or zones must be identified to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing.

A jurisdiction's adequate sites program must accommodate 100 percent of the shortfall of sites necessary to accommodate the remaining housing need for housing for very low- and low-income households during the planning period. These sites must be appropriately zoned early enough in the planning period to provide realistic and viable development opportunities.

The program must:

1. ensure the sites are zoned to allow owner-occupied and rental multifamily residential uses "by-right";
2. permit the development of at least 16 units per site;
3. ensure sites within suburban and metropolitan jurisdictions (as defined by Government Code Section 65583.2(c)(3)(B)(iii) and (iv)) permit a minimum of **20 dwelling units per acre** (see *Categories III* and *IV* in the table below);
4. ensure sites within incorporated cities within nonmetropolitan counties and nonmetropolitan counties that have micropolitan areas (as defined by Government Code Section 65583.2(d)) permit a minimum of **16 dwelling units per acre** (see *Categories I* and *II* in the table below); and

5. ensure at least 50 percent of the low- and very low-income regional housing need be accommodated on sites designated for ***exclusively*** residential uses, at appropriate densities.

BY RIGHT PROGRAM MINIMUM DENSITIES

I Incorporated Cities within nonmetropolitan/rural counties (as outlined in either Section I or II) and Nonmetropolitan counties with micropolitan areas (listed below)	II Unincorporated areas in all nonmetropolitan counties not included under I	III Suburban jurisdictions	IV Metropolitan jurisdictions
Nonmetropolitan counties with micropolitan areas include: Del Norte Humboldt Inyo Lassen Lake Mendocino Nevada Tehama Tuolumne	Nonmetropolitan/rural counties as listed below (list excludes those counties including micropolitan areas as outlined in section I) Alpine Amador Calaveras Colusa Glenn Mariposa Modoc Mono Plumas Sierra Siskiyou Trinity	Jurisdictions (cities/counties) located within a Metropolitan Statistical Area (MSA) with a population of less than 2 million as listed below <u>unless</u> a city has a population of greater than 100,000 in which case it would be considered metropolitan. Butte El Dorado Fresno Imperial Kern Kings Madera Merced Monterey Napa Placer Sacramento San Benito San Joaquin San Luis Obispo Santa Barbara Santa Clara Santa Cruz Shasta Solano Sonoma Stanislaus Sutter Tulare Ventura Yolo Yuba	Jurisdictions (cities/counties) located within a Metropolitan Statistical Area (MSA) with a population of more than 2 million as listed below <u>unless</u> a city has a population of less than 25,000 in which case it would be considered suburban. Alameda Contra Costa Los Angeles Marin Orange Riverside San Bernardino San Diego San Francisco San Mateo
at least 15 du/ac	at least 10 du/ac	at least 20 du/ac	at least 30 du/ac

Metropolitan Statistical Area: Qualification of an MSA requires the presence of a city with 50,000 or more inhabitants, or the presence of an Urbanized Area (UA) and a total population of at least 100,000

Mircopolitan: Urban cluster of at least a 10,000 population but less than a 50,000 population

Definition of By-right

For the purposes of housing element law and in accordance with Chapter 724, by-right shall mean the local government's review shall not require:

1. a conditional use permit;
2. a planned unit development permit; or
3. other discretionary local government review or approval that would constitute a "project" for the purposes of Division 13 (commencing with Section 21100) of the Public Resources Code.

This provision does not preclude local planning agencies from imposing design review standards. However, the review and approval process must remain ministerial and the design review must not constitute a "project" as defined in the Section 21100 of the Public Resources Code. For example, a hearing officer (e.g., Zoning Administrator) or other hearing body (e.g., Planning Commission) can review the design merits of a project and call for a project proponent to make design-related modifications, but cannot deliberate the project's merits or exercise judgment to reject or deny the "residential use" itself.

Adequate Sites Program Timing

A locality's ability to accommodate needed housing during the planning period requires designating appropriate zoning as early as possible. The most direct procedure is for the locality to undertake rezoning when the housing element is adopted. The program must make provision for sites that will be available soon enough to reasonably permit development during the planning period. For example, rezoning actions should be completed within the first year to two years.

III. POLICY AND PROGRAM OPTIONS

Strategies to Increase Residential Capacity

The following approaches have been used by localities to increase their total residential development capacity:

- Up zone existing residential areas at appropriate densities to facilitate development of housing.
- Increase maximum allowable residential densities in existing residential, commercial and mixed zones and modify development standards such as height limitations to ensure maximum density can be achieved.
- Prezone and annex land suitable for residential use.
- Establish Minimum Densities – Designate minimum densities of development to assure that existing available land is not underutilized.

- Allow and Encourage Mixed-Use Zoning – Permit housing in certain non-residential zones either as part of a mixed-use project or as a stand alone residential use.
- Rezone underutilized land from nonresidential to residential to expand the supply of available residential land.
- Institute Flexible Zoning – Allow various residential uses within existing nonresidential zones without requiring rezoning or conditional approvals.
- Redevelop and/or recycle underutilized existing land to more intensive uses.
- Convert obsolete older public/institutional/commercial/ industrial buildings to residential use through adaptive reuse and/or historic preservation.
- Over zone – Create a surplus of land for residential development during the current planning period of at least 20 percent more than the locality's share of the regional housing need. Over zoning compensates for urban land left vacant due to ownership and development constraints and creates a real surplus. A sufficient supply of land beyond the time frame of the element helps prevent land shortages from bidding up land costs.
- Allow and promote small and irregular size lot development.
- Consolidate lots – Facilitate combining small residential lots into larger lots to accommodate higher density development.
- Increase height limitations – Allow three stories in multifamily zones at minimum.
- Increase Floor Area Ratios – Allow for larger buildings on smaller lots and/or more units per lot by reducing the FAR (total lot area divided by the total building area).

Appropriate Development Standards

Appropriate zoning and development standards facilitate the location, siting, capacity, and price of residential development to meet identified housing needs, particularly new construction for lower-income households. These include establishing minimum densities, minimum floor areas, increased maximum lot coverage, allowing minimum building, rear and side yard setbacks, reduced parking and amenities requirements, and other controls such as streamlined architectural and design review standards.

State zoning law (Government Code Section 65913.1) requires localities to zone sufficient vacant land for residential use with appropriate standards to meet the housing needs as identified in the general plan. Appropriate standards are requirements that contribute significantly to the economic feasibility of producing housing at the lowest possible cost.”

In regulating subdivisions, Government Code Section 65913.2 provides that a local government may not impose design criteria for the purpose of rendering an affordable housing development infeasible. A community may not impose standards and criteria for public improvements (e.g., streets, sewers, schools, or parks) that exceed those imposed on other developments in similar zones. Additionally, the effect of a community's ordinances and actions on accommodating the housing needs of the region must be considered.

Encouraging Development of Underutilized Sites for Housing

Identification of underutilized land and opportunities for mixed uses must be accompanied by programs that encourage their development and/or reuse. Such programs could include actions to initiate any necessary rezoning, establish appropriate regulatory and/or financial incentives, relax development standards (design criteria, parking, building height, setback requirements, etc.), support more compact and higher density residential developments, and facilitate the new construction of multifamily rental and owner-occupied units. Such developments are often located in urban core areas, redevelopment project areas, adjacent to existing neighborhoods, close to transit centers and established businesses and services.

Strategies to Encourage Adequate Sites for a Variety of Housing Types

While the sites inventory may identify sufficient sites to accommodate the locality's total share of the regional housing need, the element must also include policies and programs to promote development on identified sites. Localities have developed various land-use controls and development incentives to encourage a variety of housing types for all income levels, including:

- Zone a high proportion of sites for higher density and more intensive residential use.
- Encourage and facilitate second-unit development in single-family residential areas. Policies to encourage second-units include modifying development standards, such as reducing parking, increasing lot coverages and reducing setbacks and offering development incentives.
- Zone sites for mobilehomes and mobilehome park use.
- Promote multifamily rental housing above ground floor commercial uses (mixed residential-nonresidential land-use). Permit apartment uses in office/commercial areas where office space revenue can offset rental costs and act as an internal project subsidy.
- Compile and maintain an inventory of public surplus lands and land owned by other entities, such as school districts, public utilities, etc., to identify sites suitable for development of low- and moderate-income housing. Facilitate the acquisition of surplus public lands and other identified land for affordable housing development.

- Zone for housing types typically occupied by renter households (e.g., second-units, apartments, and SROs).
- Ensure zoning encourages single-room occupancy (SRO) units and establish ordinances with written and objective standards.
- Offer development incentives (e.g., land write-downs, fee waivers, and below market-rate financing) negotiated through developer agreements to increase multifamily densities in selected areas.
- Reduce multifamily development standards (e.g., number of required covered parking spaces, setback and building height requirements, etc.).
- Establish ordinances or guidelines to promote small lot development
- Establish no net loss policies and procedures to rezone equal amounts of land to replace any residential land used for other than its intended residential use.

Strategies to Encourage Emergency Shelters and Transitional and Supportive Housing

- Make ending homelessness a priority.
- Establish homeless prevention strategies: housing support centers, improve access to supportive and employment services.
- Apply for, or support applications for funding for emergency shelters, transitional or supportive housing.
- Establish local Homeless Task Force to identify strategies and develop partnerships.
- Streamline permitting and reduce fees for emergency shelters, transitional and supportive housing.

IV. MODEL PROGRAMS

Sample Program 1: By Right Program

To facilitate the development of multifamily housing affordable to lower-income households, the County will identify and rezone 30 acres of vacant land with the R3 zoning district, allowing exclusively residential uses and a minimum of 16 units per acre by June 30, 2006. Rezoned sites will be selected from sites 20 through 45 in the parcel listing (Appendix A), will be suitable, have the capacity for at least 16 units, and will be available for development in the planning period where water and sewer can be provided.

Who is Responsible: Community Development Department

Funding Source: General Fund

Quantified Objective: Create opportunity for at least 480 units of rental housing for lower income households

Timeframe: Sites rezoned by June 30, 2006

Sample Program 2: Amend Zoning for Transitional and Supportive Housing

To encourage transitional and supportive housing, the City will amend all residential zoning districts to permit transitional and supportive housing as a residential use, subject only to those regulations that apply to other residential dwelling of the same type in the same zoning (i.e., multifamily in a multifamily zone).

Responsible Agency: Community Development Department

Funding Sources: Department Budget

Timeframe: Within one year of adoption of the housing element

Objectives: To encourage the development of transitional and supportive housing

V. PROGRAM IMPLEMENTATION SAMPLE

City of Santa Monica Emergency Shelter Ordinance

9.04.10.02.061 Homeless shelters

Homeless shelters located in any district shall comply with the following development standards:

- (a) **Lighting:** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- (b) **Laundry Facilities:** The development shall provide laundry facilities or services adequate for the number of residents.
- (c) **Common Facilities:** The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - Central cooking and dining room(s).
 - Recreation room.
 - Counseling center.
 - Child care facilities.
 - Other support services.
- (d) **Security:** Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

- (e) **Outdoor Activity:** For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
- (f) **Refuse:** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Director of General Services and the Architectural Review Board. The refuse enclosure shall be accessible to refuse collection vehicles.
- (g) **Homeless Shelter Provider:** The agency or organization operating the shelter shall comply with the following requirements:
 - (1) Temporary shelter shall be available to residents for no more than six months.
 - (2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (3) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- (h) **Maximum Unit Density:** Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying zoning district's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be permitted (Ord. No. 1687CCS § 10, adopted 6/22/93; amended by Ord. No. 1750CCS § 28, adopted 6/28/94).

VI. LINKS

General

[CA HCD Housing and Land Use Bibliographies](#)

[Federal Environmental Protection Agency, Smart growth publications and tools](#)

[Center for Housing Policy, Vital Links: Housing's Contributions to the Nation's Health and Education Objectives](#)

[Lincoln Institute of Land Policy, Visualizing Density](#)

[AARP Accessory Dwelling Units: Model State Act and Local Ordinance](#)

[Bay Area Transportation and Land Use Coalition](#)

[Center for Housing Policy, "Homes for Working Families: Increasing the Availability of Affordable Homes, A Handbook of High Impact State and Local Solutions"](#)

[Urban Land Institute: Smart Growth News](#)

[Transportation and Land Use Collaborative of Southern California: News *Marina Del Rey Housing Plan Backed*](#)

[Local Initiatives Support Corporation, Frank S. Alexander "Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks"](#)

[Center for Sustainable Suburban Development](#)

[Affordable Housing Design Advisor](#)

[The Urban Land Institute](#)

Program Links

[City of Los Angeles, Planning: Small Lot Ordinance and Guidelines and Adaptive Reuse Ordinance](#) – Go to Housing Initiatives

[City of Mountain View Rowhouse, Townhouse and Small lot Design Guidelines](#)

[City of Santa Cruz Accessory Dwelling Unit Development Program](#)

[Santa Rosa Single Room Occupancy Ordinance](#)

[City of Santa Monica Emergency Shelter Ordinance](#)

[City of Sacramento Residential Mixed Standards](#)

[City of Fremont, Affordable Housing Development Marketing Brochure](#)

[City of Fremont Mixed Development Ordinance](#)

[City of Fremont Small Lot Development Ordinance and Guidelines](#)

[City of Richmond Infill Initiative](#)

[Smart Growth for Neighborhoods: Affordable Housing and Regional Vision
National Neighborhood Coalition, July 2001](#)